

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DONALD CHILCOAT,)	Case No. 3:24-cv-1566
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge
)	James E. Grimes, Jr.
ALEXANDER TORRES,)	
)	
Defendant.)	
)	

OPINION AND ORDER

Without a lawyer, Petitioners Shawndale Chilcoat and Donald Chilcoat filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The Chilcoats have been charged in the United States District Court for the District of Columbia with multiple federal offenses in connection with the January 6, 2021 riot at the United States Capitol Building. *See United States v. Chilcoat*, No. 1:22-cr-00299-CKK (D.D.C. indictment filed Sept. 9, 2022). They are in Toledo, Ohio awaiting trial. The Chilcoats filed this petition under 28 U.S.C. § 2241 claiming: (1) the United States District Court for the District of Columbia lacks subject matter jurisdiction over them because the Department of Justice did not properly serve them with documents under Rule 4.3 of the Ohio Rules of Civil Procedure and Rule 4(c) of the Federal Rules of Criminal Procedure; (2) the warrants and extradition orders issued in their criminal case lacked proper certification and are invalid; and (3) they were unlawfully extradited from Ohio to Washington D.C. for political offenses. They ask the Court to issue a writ of prohibition enjoining the federal judge presiding over their criminal case from

proceeding, vacate all warrants and orders in the criminal case, declare their prosecution to be invalid, order the production of all evidence including evidence held under a protection order, and stay any further proceedings against them.

Writs of habeas corpus “may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” 28 U.S.C. § 2241(a). Section 2241 “is an affirmative grant of power to federal courts to issue writs of habeas corpus to prisoners being held ‘in violation of the Constitution or laws or treaties of the United States.’” *Rice v. White*, 660 F.3d 242, 249 (6th Cir. 2011) (quoting Section 2241(c)). Because Petitioners are appearing *pro se*, the Court construes the allegations in their petition in their favor, and their pleadings are held to a less stringent standard than those prepared by counsel. *Urbina v. Thoms*, 270 F.3d 292, 295 (6th Cir. 2001). However, the Court may dismiss the petition at any time, or make any such disposition as law and justice require, if it determines that the petition fails to establish adequate grounds for relief. *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987); *see also Allen v. Perini*, 424 F.2d 134, 141 (6th Cir. 1970) (holding district courts have a duty to “screen out” petitions lacking merit on their face under Section 2243).

A pretrial detainee may pursue habeas relief under 28 U.S.C. § 2241. *See Girts v. Yanai*, 600 F.3d 576, 587 (6th Cir. 2010); *Atkins v. Michigan*, 644 F.2d 543, 546 n.1 (6th Cir. 1981). Although Section 2241 establishes jurisdiction in the federal courts to consider pretrial habeas corpus petitions, the courts should abstain from the exercise of that jurisdiction if the issues raised in the petition may be resolved

either by trial on the merits or by other procedures available to the petitioner. *See, e.g., Fay v. Noia*, 372 U.S. 391, 417–20 (1963). Petitioners can and should raise the claims in this petition in their criminal case in the District Court for the District of Columbia. Because the issues Petitioners raise in their petition can be resolved in their criminal case, the Court declines to interfere with that proceeding or to enjoin or vacate the orders in that case.

For these reasons, the Court **DENIES** this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and **DISMISSES** this action pursuant to 28 U.S.C. § 2243. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioners' motion for an injunction and other relief (ECF No. 3).

SO ORDERED.

Dated: November 22, 2024

A handwritten signature in black ink, appearing to read 'J. Philip Calabrese', is written above a horizontal line.

J. Philip Calabrese
United States District Judge
Northern District of Ohio